

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S3869–S3958*

**Measures Introduced:** Thirteen bills and three resolutions were introduced, as follows: S. 2290–2302, S.J. Res. 31–32, and S. Res. 333. **Pages S3919–20**

#### Measures Passed:

**American Revolution Commemoration Act Anniversary:** Committee on the Judiciary was discharged from further consideration of S. 1108, to establish within the National Park Service the 225th Anniversary of the American Revolution Commemorative Program, and the bill was then passed.

**Pages S3950–51**

**Commending UConn Basketball Teams:** Senate agreed to S. Res. 333, commending the Huskies of the University of Connecticut for winning the 2004 Division I Men's and Women's NCAA Basketball Championships.

**Page S3951**

**Pregnancy and Trauma Care Access Protection Act:** Senate continued consideration of the motion to proceed to consideration of S. 2207, to improve women's access to health care services, and the access of all individuals to emergency and trauma care services, by reducing the excessive burden the liability system places on the delivery of such services.

**Pages S3877–80, S3894**

During consideration of this measure today, Senate also took the following action:

By 49 yeas to 48 nays (Vote No. 66), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the consideration of the motion to proceed to consideration of the bill.

**Page S3894**

Subsequently, the motion to proceed was withdrawn.

**Page S3894**

**Jumpstart Our Business Strength (JOBS) Act:** Senate resumed consideration of S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the

United States, taking action on the following amendments proposed thereto: **Pages S3894–95**

#### Pending:

Harkin Amendment No. 2881, to amend the Fair Labor Standards Act of 1938 to clarify provisions relating to overtime pay.

Frist Motion to Recommit the bill to the Committee on Finance, with instructions to report back forthwith with the following amendment:

Frist Amendment No. 3011 (to the instructions of the Motion to Recommit the bill to the Committee on Finance), in the nature of a substitute.

Frist Amendment No. 3012 (to the instructions (Amendment No. 3011) of the Motion to Recommit the bill to the Committee on Finance), relative to the effective date following enactment of the Act.

Frist Amendment No. 3013 (to Amendment No. 3012), relative to the effective date following enactment of the Act.

During consideration of this measure today, Senate also took the following action:

By 50 yeas to 47 nays (Vote No. 67), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the Frist Motion to Recommit the bill to the Committee on Finance, with instructions.

**Pages S3994–95**

Senate may resume consideration of the bill on Thursday, April 8, 2004.

**Pension Funding Equity Act of Conference Report—Agreement:** A unanimous-consent agreement was reached providing for consideration of the conference report to accompany H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, at 11 a.m. on Thursday, April 8, 2004; that there be four hours for debate, followed by a vote on adoption of the conference report.

**Page S3957**

**Appointments:** (Received on Monday, April 5, 2004)

**Commission on Systemic Interoperability:** The Chair, on behalf of the Democratic Leader, pursuant

to Public Law 108–173, appointed the following individual to serve as a member of the Commission on Systemic Interoperability: Fredrick W. Slunecka of South Dakota. **Pages S3729–30 (April 5, 2004 Record)**

**Measures Read First Time:** **Page S3918**

**Petitions and Memorials:** **Pages S3918–19**

**Executive Reports of Committees:** **Page S3919**

**Additional Cosponsors:** **Pages S3920–21**

**Statements on Introduced Bills/Resolutions:**  
**Pages S3921–45**

**Additional Statements:** **Pages S3917–18**

**Amendments Submitted:** **Pages S3945–49**

**Authority for Committees to Meet:** **Pages S3949–50**

**Privilege of the Floor:** **Page S3950**

**Record Votes:** Two record votes were taken today. (Total—67) **Pages S3894, S3894–95**

**Adjournment:** Senate convened at 9:45 a.m., and adjourned at 8:08 p.m., until 10 a.m., on Thursday, April 8, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S3952.)

## Committee Meetings

(Committees not listed did not meet)

### APPROPRIATIONS: NATIONAL GUARD AND RESERVE

*Committee on Appropriations:* Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the National Guard and Reserve, after receiving testimony from Lieutenant General H. Steven Blum, ARNG, Chief, National Guard Bureau; Lieutenant General Roger C. Schultz, ARNG, Director, Army National Guard; Lieutenant General Daniel James III, ANG, Director, Air National Guard; Lieutenant General James R. Helmly, USAR, Chief, Army Reserve; Vice Admiral John G. Cotton, USNR, Chief, Naval Reserve; Lieutenant General Dennis M. McCarthy, USMCR, Commander, Marine Forces Reserve; and Lieutenant General James E. Sherrard III, USAFR, Chief, Air Force Reserve.

### APPROPRIATIONS: IRS

*Committee on Appropriations:* Subcommittee on Transportation, Treasury and General Government concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Internal Revenue Service (IRS), focusing on tax law enforcement and information technology challenges, after receiving testimony from Mark W. Everson, Commissioner, Internal Revenue Service, and Pamela J. Gardiner,

Acting Inspector General for Tax Administration, both of the Department of the Treasury.

### APPROPRIATIONS: ARMY/NAVY MILITARY CONSTRUCTION

*Committee on Appropriations:* Subcommittee on Military Construction concluded a hearing to examine proposed budget estimates for fiscal year 2005 for Army and Navy military construction programs, after receiving testimony from Geoffrey G. Prosch, Acting Assistant Secretary of the Army (Installations and Environment); Major General Larry J. Lust, Assistant Chief of Staff for Installation Management, Department of the Army; Major General Walter F. Pudlowski, Jr., Special Assistant to the Director, Army National Guard; Brigadier General Gary M. Profit, Deputy Chief, Army Reserve; Hansford T. Johnson, Assistant Secretary of the Navy (Installations and Environment); Rear Admiral Michael Loose, Commander, Naval Facilities Engineering Command; and Brigadier General Willie Williams, Assistant Deputy Commandant for Installations and Logistics (Facilities), U.S. Marine Corps.

### APPROPRIATIONS: DEPARTMENT OF AGRICULTURE

*Committee on Appropriations:* Subcommittee on Agriculture, Rural Development, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2005 for certain Department of Agriculture programs, after receiving testimony from Keith Collins, Chief Economist, J.B. Penn, Under Secretary for Farm and Foreign Agriculture Services, Mark E. Rey, Under Secretary for Natural Resources and Environment, Joseph Jen, Under Secretary for Research, Education, and Economics, and Gilbert G. Gonzalez, Acting Under Secretary for Rural Development, all of the Department of Agriculture.

### DEFENSE AUTHORIZATION

*Committee on Armed Services:* Subcommittee on Strategic Forces concluded open and closed hearings to examine the proposed Defense Authorization Request for fiscal year 2005, focusing on defense intelligence programs and lessons learned in recent military operations, after receiving testimony from Stephen A. Cambone, Under Secretary of Defense for Intelligence, Lieutenant General Keith B. Alexander, USA, Deputy Chief of Staff, G–2, Department of the Army; Rear Admiral Richard B. Porterfield, USN, Director of Naval Intelligence, Headquarters, U.S. Navy; Major General Ronald F. Sams, USAF, Director of Intelligence, Surveillance and Reconnaissance, Department of the Air Force; Michael H. Decker, Acting Director for Intelligence, Headquarters, U.S. Marine Corps; and Brigadier General Donald C.

Wurster, USAF, Director for Intelligence and Information Operations, U.S. Special Operations Command.

#### NATIONAL BANK PREEMPTION RULES

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine the National Bank Preemption Rules, focusing on Office of the Comptroller of the Currency rulemakings pertaining to the applicability of State laws to national banks, after receiving testimony from John D. Hawke, Jr., Comptroller of the Currency, Administrator of National Bank, Department of the Treasury; North Carolina Attorney General Roy Cooper, Raleigh; Gavin M. Gee, Idaho Department of Finance, Boise, on behalf of the Conference of State Bank Supervisors; Martin Eakes, Self-Help and Center for Responsible Lending, Durham, North Carolina; Joe Belew, Consumer Bankers Association, Arlington, Virginia; William M. Isaac, Secura Group, Falls Church, Virginia; and Walter T. McDonald, National Association of Realtors, Arthur E. Wilmarth, Jr., George Washington University Law Center, and James D. McLaughlin, American Bankers Association, all of Washington, D.C.

#### NEAR EARTH OBJECTS

*Committee on Commerce, Science, and Transportation:* Subcommittee on Science, Technology, and Space concluded a hearing to examine the nature and origin of Near Earth Objects (asteroids and periodic comets), including the potential hazard they may pose, after receiving testimony from G.W. Van Citters, Director, Division of Astronomical Sciences, National Science Foundation; Lindley N. Johnson, Program Scientist, Near Earth Object Observation Program, Office of Space Science, National Aeronautics and Space Administration; Grant H. Stokes, Near-Earth Object Science Definition Team, Massachusetts Institute of Technology Lincoln Laboratory, Lexington; Michael D. Griffin, Johns Hopkins University Applied Physics Laboratory, Laurel, Maryland; and Rusty Schweickart and Edward Lu, both of B612 Foundation, Tiburon, California.

#### COAST GUARD OVERSIGHT

*Committee on Commerce, Science, and Transportation:* Subcommittee on Oceans, Fisheries and Coast Guard concluded an oversight hearing to examine U.S. Coast Guard activities, readiness, mission balance, and the proposed budget request for fiscal year 2005, after receiving testimony from Admiral Thomas H. Collins, Commandant, U.S. Coast Guard, Department of Homeland Security; and Margaret T. Wrightson, Director, Homeland Security and Justice Issues, General Accounting Office.

#### BUSINESS MEETING

*Committee on Environment and Public Works:* Committee ordered favorably reported the following business items:

S. 1814, to transfer federal lands between the Secretary of Agriculture and the Secretary of the Interior;

S. 441, to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county, with an amendment in the nature of a substitute;

S. 2286, to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia; and

The nominations of Stephen L. Johnson, of Maryland, to be Deputy Administrator, Ann R. Klee, of Virginia, and Benjamin Grumbles, of Virginia, each to be an Assistant Administrator of the Environmental Protection Agency, Charles Johnson, of Utah, to be Chief Financial Officer, all of the Environmental Protection Agency, and Gary Lee Visscher, of Maryland, to be a Member of the Chemical Safety and Hazard Investigation Board.

#### DISTRICT OF COLUMBIA DRINKING WATER

*Committee on Environment and Public Works:* Subcommittee on Fisheries, Wildlife and Water concluded an oversight hearing to examine the detection of lead in District of Columbia drinking water, focusing on needed improvements in public communications and the status of short- and long-term solutions, after receiving testimony from Benjamin H. Grumbles, Acting Assistant Administrator for Water, and Donald S. Welsh, Administrator, Region III, both of the Environmental Protection Agency; Thomas P. Jacobus, General Manager, Washington Aqueduct, Baltimore District, U.S. Army Corps of Engineers; Jerry N. Johnson, District of Columbia Water and Sewer Authority, Daniel R. Lucey, District of Columbia Department of Health, Gloria Borland, Dupont Circle Parents, and Dana Best, Children's National Medical Center, all of Washington, D.C.; and Jody Lanard, Princeton, New Jersey.

#### MEDICAID HOME AND COMMUNITY SERVICES

*Committee on Finance:* Committee concluded a hearing to examine strategies to improve access to Medicaid home and community based services, focusing on giving older Americans and people with disabilities greater choices by expanding access to community based services, including the President's New Freedom Initiative and related measures S. 971 and S. 1394, after receiving testimony from Senator Harkin;

Dennis Smith, Director of the Center for Medicaid and State Operations, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Carol Novak, Member, National Council on Disability; Ray Gerke, Iowa Olmstead Real Choices Consumer Task Force, Perry; Bruce E. Darling, Center for Disability Rights, Rochester, New York, on behalf of the ADAPT Community; Di Findley, Iowa CareGivers Association, Des Moines; and Jan Moss, Oklahoma City, Oklahoma.

### OIL-FOR-FOOD PROGRAM

*Committee on Foreign Relations:* Committee concluded a hearing to examine the United Nations oil-for-food program to address the humanitarian needs of the people of Iraq, focusing on recent allegations of possible mismanagement and abuse with regard to the implementation of the program, after receiving testimony from John D. Negroponte and Patrick F. Kennedy, each a United States Representative to the United Nations, United States Mission to the United Nations, New York, New York; Robin L. Raphel, Iraq Reconstruction Coordinator, Department of State; Joseph A. Christoff, Director, International Affairs and Trade, General Accounting Office; and Michael J. Thibault, Deputy Director, Defense Contract Audit Agency, Department of Defense.

### HIV/AIDS IN AFRICA

*Committee on Foreign Relations:* Subcommittee on African Affairs concluded a hearing to examine a progress report on fighting HIV/AIDS in Africa, focusing on funding for international health care initiatives HIV counseling and testing, and antiretroviral therapy, after receiving testimony from Randall L. Tobias, U.S. Global AIDS Coordinator, Department of State; Jonathan H. Mermin, Public Health Epidemiologist, Country Director for GAP Uganda, Centers for Disease Control and Prevention, Department of Health and Human Services; Ernest Darkoh, African Comprehensive HIV/AIDS Partnerships, Gabarone, Botswana; and Lulu Oguda, Doctors Without Borders, Cambridge, Massachusetts.

### NOMINATIONS

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nominations of Marc McGowan Wall, of Virginia, to be Ambassador to Chad, John Campbell, of Virginia, to be Ambassador to Nigeria, and Scott H. DeLisi, of Minnesota, to be Ambassador to Eritrea, after each nominee testified and answered questions in their own behalf.

### POSTAL REFORM

*Committee on Governmental Affairs:* Committee continued hearings to examine U.S. Postal Service reform issues, focusing on the chairmen's perspective on

governance and rate-setting, including the ability of a modern system of ratemaking to provide adequate public protection while affording management the flexibility to easily and quickly adjust rates as circumstances and customers needs require, after receiving testimony from George Omas, Chairman, United States Postal Rate Commission; and S. David Fineman, Chairman, United States Postal Service Board of Governors.

### FEDERAL PRISON INDUSTRIES

*Committee on Governmental Affairs:* Subcommittee on Financial Management, the Budget, and International Security concluded a hearing to examine S. 346, to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements, after receiving testimony from Senators Thomas and Stabenow; Harley G. Lappin, Director, Federal Bureau of Prisons, and Chief Executive Officer, Federal Prison Industries, Department of Justice; Jack R. Williams, Jr., Assistant Regional Administrator, Federal Supply Service (Region 3), General Services Administration; John M. Palatiello, Management Association for Private Photogrammetric Surveyors, Reston, Virginia, on behalf of the U.S. Chamber of Commerce; Kurt Weiss, U.S. Business Interiors, Alexandria, Virginia, on behalf of the Office Furniture Dealers Alliance; Andrew S. Linder, Power Connector, Inc., Long Island, New York; and Philip W. Glover, Council of Prison Locals, American Federation of Government Employees (AFL-CIO), Washington, D.C.

### BUSINESS MEETING

*Committee on Indian Affairs:* Committee ordered favorably reported S. 1955, to make technical corrections to laws relating to Native Americans, with an amendment in the nature of a substitute.

### NINTH CIRCUIT

*Committee on the Judiciary:* Subcommittee on Administrative Oversight and the Courts concluded a hearing to examine a proposal to split the Ninth Circuit, focusing on the administrative aspects of a split, with reference to the most recent restructuring of a federal judicial circuit, including related measures S. 562 and S. 2278, after receiving testimony from Senator Murkowski; Diarmuid F. O'Scannlain, Mary M. Schroeder, Richard C. Tallman, and J. Clifford Wallace, each a Circuit Judge for the U.S. Court of Appeals for the Ninth Circuit; Gerald B. Tjoflat, Circuit Judge for the U.S. Court of Appeals for the Eleventh Circuit; and John C. Coughenour, Chief District Judge for the U.S. District Court for the Western District of Washington.

**GASOLINE PRICES**

*Committee on the Judiciary:* Subcommittee on Antitrust, Competition Policy and Consumer Rights concluded a hearing to examine crude oil relating to higher gas prices, focusing on merger enforcement in the oil and gasoline industries, gasoline monitoring and investigation initiative, the effects of market concentration on gasoline prices, and “boutique fuels”, after receiving testimony from Senator Wyden; William E. Kovacic, General Counsel, Federal Trade Commission; John Felmy, American Petroleum

Institute, and Mark Cooper, Consumer Federation of America, on behalf of Consumers Union, both of Washington, D.C.; Justine S. Hastings, Yale University Department of Economics, New Haven, Connecticut; and George A. Bermann, Columbia University School of Law, New York, New York.

**INTELLIGENCE**

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

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## House of Representatives

**Chamber Action**

The House was not in session today. Pursuant to the provisions of H. Con. Res. 361, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate, it stands adjourned until 2 p.m. on Tuesday, April 20, 2004.

**Committee Meetings**

No Committee meetings were held.

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### COMMITTEE MEETINGS FOR THURSDAY, APRIL 8, 2004

(Committee meetings are open unless otherwise indicated)

**Senate**

*Committee on Appropriations:* Subcommittee on VA, HUD, and Independent Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2005 for the Corporation for National and Community Service, 10 a.m., SD-628.

Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2005 for the Office of the Architect of the Capitol and the Office of the Secretary of the Senate, 11 a.m., SD-138.

Subcommittee on Foreign Operations, to hold hearings to examine proposed budget estimates for fiscal year 2005 for foreign operations, 2:30 p.m., SD-124.

*Committee on Armed Services:* to hold hearings, in closed session, to examine military implications of the United Nations Convention on the Law of the Sea; to be followed by an open session at 11 a.m. in SD-106, 10:30 a.m., SR-222.

*Committee on Banking, Housing, and Urban Affairs:* to resume hearings to examine current investigations and regulatory actions regarding the mutual fund industry, 10 a.m., SD-538.

*Committee on Commerce, Science, and Transportation:* business meeting to consider pending calendar business, 11 a.m., SR-253.

*Committee on Energy and Natural Resources:* Subcommittee on National Parks, to hold hearings to examine National Park Service concessions program, including implementation of the National Park Service Concessions Management Improvement Act (Public Law 105-391), 2:30 p.m., SD-366.

*Committee on Foreign Relations:* Subcommittee on European Affairs, to hold hearings to examine anti-Semitism in Europe, 2:30 p.m., SD-419.

*Committee on Governmental Affairs:* Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine implementing the Medicare Prescription Drug Program, 9:30 a.m., SD-342.

*Committee on the Judiciary:* to hold hearings to examine the nominations of Robert Bryan Harwell, to be United States District Judge for the District of South Carolina, George P. Schiavelli, to be United States District Judge for the Central District of California, William Duane Benton, of Missouri, to be United States Circuit Judge for the Eighth Circuit, and Curtis V. Gomez, to be Judge for the District Court of the Virgin Islands, 10 a.m., SD-226.

Full Committee, to hold hearings to examine safety concerns of America's Mass Transportation System, 2:30 p.m., SD-226.

**House**

No Committee meetings are scheduled.

*Next Meeting of the SENATE*

10 a.m., Thursday, April 8

*Next Meeting of the HOUSE OF REPRESENTATIVES*

2 p.m., Tuesday, April 20

## Senate Chamber

**Program for Thursday:** After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will begin consideration of the conference report to accompany H.R. 3108, Pension Funding Equity Act, with four hours of debate, followed by a vote on adoption of the conference report. Also, Senate may resume consideration of S. 1637, Jumpstart Our Business Strength (JOBS) Act.

## House Chamber

**Program for Tuesday:** To be announced.



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